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MCCARTHY, CHRISTOPHER S	
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2113	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/666,970	NICHOLSON ET AL.	
	Examiner	Art Unit	
	Christopher S. McCarthy	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,19-24,26-29,31-38 and 41-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,19-24,26-29,31-38 and 41-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☒ Other: *response to arguments.*

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-12, 14-15, 17, 19-20, 22-23, 27-29, 31-38, 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Nolet U.S. Patent 6,138,249.

As per claim 1, Nolet teaches a server for improving predictive failure attributes of distributed devices (column 7, lines 55-58; column 8, line 57), comprising: a receiver for receiving, via a network, failure analysis data from individual ones of a plurality of distributed devices (column 7, lines 55-60); where each device of said plurality of distributed devices comprises failure analysis software comprising a predictive failure analysis algorithm arranged for collecting failure analysis data of said distributed device (column 8, lines 29-48, wherein each device has a software agent that tests/monitors the device and transmits that information; column 1, line 62 – column 2, line 8, wherein, the collected data at the distributed devices can be used for predicting future problems in the manufacturing process); and a communications device and arranged for transmitting said failure analysis data to said network (column 5, lines 18-29; column 8, lines 33-36; column 6, lines 48-67) wherein said server is arranged for analyzing said

failure analysis data and for providing in response to the analysis an updated predictive failure analysis algorithm to the plurality of distributed devices, wherein each of said plurality of distributed devices is coupled to said network, wherein the updated predictive failure analysis algorithm is provided to the plurality of distributed devices in the form of a first microcode that is provided from the server to be used instead of a second microcode previously used by the plurality of distributed devices, wherein the first microcode and the second microcode have different tolerances of certain error events (column 8, lines 57-59, 40-48; column 18, lines 1-4, wherein the central monitoring center gets the service requests from the devices and analyses the data to see which monitoring/testing software the device is currently running, if the currently used software is not the most up to date, the center transmits the most current updated software to the devices for the future monitoring of the devices; column 13, line 59 – column 14, line 9).

As per claim 2, Nolet teaches the server of claim 1, wherein each of said plurality of devices comprises an algorithm for managing an operation of a failure tolerant component and wherein said updated predictive failure analysis algorithm provides for improved operation of said failure tolerant component (column 13, line 65 – column 14, lines 1, 7-9; column 18, lines 1-4).

As per claim 3, Nolet teaches the server of claim 1, wherein said updated algorithm is transmitted to said each device via said network, wherein the network comprises the world wide web (column 17, lines 50-54, wherein, Nolet teaches the network to be on the Internet. *Microsoft Computer Dictionary* defines the Internet to be a worldwide collection of networks that includes the service of the world wide web (page 242)).

As per claim 4, Nolet teaches the server of claim 1, wherein said failure analysis data is used to improve at least one of design and manufacturing for future distributed devices (column 2, lines 3-8, wherein it is implicitly taught that these records would be used in future testing/manufacturing).

As per claim 6, Nolet teaches the server of claim 1 wherein each of said plurality of devices is coupled to said network via an intermediary software agent (column 8, lines 29-41).

As per claim 7, Nolet teaches the server of claim 6 wherein said intermediary software agent is installed on a local server (column 9, lines 57-59).

As per claim 8, Nolet teaches the server of claim 7, wherein said local server comprises a database arranged for storing said failure analysis data, said local server being arranged for periodically uploading said failure analysis data to said server (column 8, lines 5-9).

As per claim 9, Nolet teaches a device comprising: a predictive failure analysis algorithm arranged for collecting failure analysis data of said device (column 1, line 62 – column 2, line 8, wherein, the collected data at the distributed devices can be used for predicting future problems in the manufacturing process); and, a communications device coupled to said failure sensing function and arranged for transmitting said failure analysis data to a remote server via a network, wherein said remote server is arranged for analyzing said failure analysis data received from said device and from other devices and for providing an updated predictive failure analysis algorithm to the device and the other devices, wherein the updated predictive failure analysis algorithm is provided to the plurality of distributed devices in the form of a first microcode that is provided from the server to be used instead of a second microcode previously used by the plurality of distributed devices, wherein the first microcode and the second microcode have different

tolerances of certain error events (column 5, lines 18-29; column 33-36; column 6, lines 48-67; column 8, lines 57-64).

As per claim 10, Nolet teaches the device of claim 9 wherein said device includes an algorithm for managing the operation of a failure tolerant component of said device and wherein said updated predictive failure analysis algorithm provides improved operation of said failure tolerant component (column 13, line 65 – column 14, lines 1, 7-9; column 18, lines 1-4).

As per claim 11, Nolet teaches the device of claim 10 wherein said updated predicted failure analysis algorithm is transmitted from the remote server to said device via said network (column 17, lines 50-54).

As per claim 12, Nolet teaches the device of claim 9, wherein said failure analysis data is used to improve at least one of design and manufacturing for future devices (column 2, lines 3-8, wherein it is implicitly taught that these records would be used in future testing/manufacturing).

As per claim 14, Nolet teaches the device of claim 9 wherein said device is coupled to said network via an intermediary software agent (column 8, lines 29-41).

As per claim 15, Nolet teaches the device of claim 14 wherein said intermediary software agent is installed on a local server (column 9, lines 57-59).

As per claim 17, Nolet teaches a method for performing predictive data analysis using a central server (column 10, line 67 – column 11, line 10; column 19, lines 6-29), said method comprising: collecting failure analysis data in individual ones of a plurality of distributed devices in which each of the distributed devices uses a predictive failure analysis algorithm (column 7, lines 55-60; column 1, line 62 – column 2, line 8, wherein, the collected data at the distributed devices can be used for predicting future problems in the manufacturing process); receiving said

failure analysis data at the central server from a network coupled to each device of said plurality of distributed devices (column 5, lines 18-29; column 8, lines 33-36; column 6, lines 48-67); analyzing said failure analysis data received from said each device at the central server; and in response to the analysis, providing an updated prediction failure analysis algorithm from the central server to the distributed devices, wherein the updated predictive failure analysis algorithm is provided to the plurality of distributed devices in the form of a first microcode that is provided from the server to be used instead of a second microcode previously used by the plurality of distributed devices, wherein the first microcode and the second microcode have different tolerances of certain error events (column 8, lines 57-59, 40-48; column 18, lines 1-4, wherein the central monitoring center gets the service requests from the devices and analyses the data to see which monitoring/testing software the device is currently running, if the currently used software is not the most up to date, the center transmits the most current updated software to the devices for the future monitoring of the devices; column 13, line 59 – column 14, line 9).

As per claim 19, Nolet teaches the method of claim 17 wherein said updated predictive failure analysis algorithm is transmitted to said device via said network (column 17, lines 50-54).

As per claim 20, Nolet teaches the method of claim 17, wherein said updated predictive failure analysis algorithm is used to improve at least one of design and manufacturing for future devices (column 2, lines 3-8, wherein it is implicitly taught that these records would be used in future testing/manufacturing).

As per claim 22, Nolet teaches the method of claim 19 wherein said each device is coupled to said network via an intermediary software agent installed on a local server (column 8, lines 39-41; column 18, lines 1-4).

As per claim 23, Nolet teaches the method of claim 22 wherein said intermediary software agent is installed on a local server (column 9, lines 57-59).

As per claim 27, Nolet teaches a server as in claim 6, wherein said agent uses an interrogator (column 8, lines 40-46).

As per claim 28, Nolet teaches a server as in claim 6, wherein said agent uses a communications path other than that used for normal input and output (I/O) operations (column 11, lines 41-46).

As per claim 29, Nolet teaches a computer program comprising computer readable program code stored on a computer readable medium for performing failure analysis of a plurality of disk drives that comprise a part of at least one data storage system (column 8, line 65 – column 10, line 3), comprising first program code for collecting failure analysis data from individual ones of said disk drives and for transmitting said collected failure analysis data to a central server via a network and second program code, executed at said central server for analyzing said failure analysis data and deriving an updated predictive failure analysis algorithm therefrom, where said updated predictive failure analysis algorithm is provided to the plurality of distributed devices in the form of a first microcode that is provided from the server to be used instead of a second microcode previously used by the plurality of distributed devices, wherein the first microcode and the second microcode have different tolerances of certain error events (column 7, lines 55-60; column 5, lines 18-29; column 8, lines 33-36, 57-64; column 6, lines 48-67; column 17, lines 50-54).

As per claim 31, Nolet teaches a computer program as in claim 29, where said updated predictive failure analysis algorithm comprises revised disk drive operating program code (column 13, line 65 – column 14, lines 1, 7-9).

As per claim 32, Nolet teaches a computer program as in claim 29, where said first program code is executed by a local server that comprises a part of said data storage system, and where said collected failure analysis data is locally stored in said data storage system prior to being transmitted to said central server (column 5, lines 18-29; column 8, lines 33-36; column 6, lines 48-67).

As per claim 33, Nolet teaches a computer program as in claim 29, where said first program code is executed by a local server that comprises a part of said data storage system, and where said collected failure analysis data is transmitted to said central server as it is collected (column 5, lines 18-29; column 8, lines 33-36; column 6, lines 48-67).

As per claim 34, Nolet teaches a computer program comprising computer readable program code stored on a computer readable medium for performing failure analysis of a plurality of disk drives that comprise a part of at least one data storage system, comprising first program code, executed by a central server, for receiving, via a network, failure analysis data from said at least one data storage system for analyzing said failure analysis data and for deriving updated predictive failure analysis algorithm therefrom, where said updated predictive failure analysis algorithm is provided to the plurality of distributed devices in the form of a first microcode that is provided from the server to be used instead of a second microcode previously used by the plurality of distributed devices, wherein the first microcode and the second

microcode have different tolerances of certain error events (column 7, lines 55-60; column 8, lines 57-64; column 17, lines 50-54).

As per claim 35, Nolet teaches a computer program as in claim 34, further comprising second program code, executed by a component of said at least one data storage system, for collecting and transmitting said failure analysis data to said central server via said world wide web (column 5, lines 18-29; column 8, lines 33-36; column 6, lines 48-67; column 17, lines 50-54, wherein, Nolet teaches the network to be on the Internet. *Microsoft Computer Dictionary* defines the Internet to be a worldwide collection of networks that includes the service of the world wide web (page 242)).

As per claim 36, Nolet teaches a computer program as in claim 34, where said updated predictive failure analysis algorithm comprises revised disk drive operating program code (column 13, line 65 – column 14, lines 1, 7-9; column 17, lines 50-54).

As per claim 37, Nolet teaches a computer program as in claim 35, where said second program code is executed by a local server that comprises a part of said data storage system, and where said collected failure analysis data is locally stored in said data storage system prior to being transmitted to said central server (column 5, lines 18-29; column 8, lines 33-36; column 6, lines 48-67).

As per claim 38, Nolet teaches a computer program as in claim 35, where said second program code is executed by a local server that comprises a part of said data storage system, and where said collected failure analysis data is transmitted to said central server as it is collected (column 5, lines 18-29; column 8, lines 33-36; column 6, lines 48-67).

As per claim 41, Nolet teaches a system for monitoring performance of a plurality of distributed devices via a network (column 7, lines 55-60), comprising: a network; a central server having a monitoring capability (column 7, lines 56-58, column 8, lines 57-59), the central server being coupled to the network; a plurality of distributed devices which are coupled to the network and which are monitored by the central server via the network (column 7, lines 55-60), each of the plurality of distributed devices having a failure data analysis capability provided by a predictive failure analysis algorithm of the corresponding distributed device (column 8, lines 39-48), each of the plurality of distributed devices providing predictive failure data to the central server via the network (column 8, lines 29-48, wherein each device has a software agent that tests/monitors the device and transmits that information; column 1, line 62 – column 2, line 8, wherein, the collected data at the distributed devices can be used for predicting future problems in the manufacturing process), wherein the central server modifies the predictive failure analysis algorithm in the form of a first microcode based on the predictive failure data to provide an updated predictive failure analysis algorithm in the form of a second microcode previously used y the plurality of distributed devices, wherein the first microcode and the second microcode have different tolerances of certain error events (column 8, lines 57-59, 40-48; column 18, lines 1-4, wherein the central monitoring center gets the service requests from the devices and analyses the data to see which monitoring/testing software the device is currently running, if the currently used software is not the most up to date, the center transmits the most current updated software to the devices for the future monitoring of the devices; column 13, line 59 – column 14, line 9).

As per claim 42, Nolet teaches a system as claimed in claim 41, wherein the updated predictive failure analysis algorithm is provided to distributed devices being manufactured

device (column 8, lines 29-48, wherein each device has a software agent that tests/monitors the device and transmits that information; column 1, line 62 – column 2, line 8, wherein, the collected data at the distributed devices can be used for predicting future problems in the manufacturing process).

As per claim 43, Nolet teaches a system as claimed in claim 41, wherein the updated predictive failure analysis algorithm is provided to each of the plurality of distributed devices via the network, wherein the distributed devices are data storage units (column 9, lines 31-40).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 13, 16, 21, 24, 26, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolet in view of Ballard U.S. Patent Application Publication US2003/0088538.

As per claims 5, Nolet teaches the server of claim 1. Nolet does not explicitly teach wherein said failure information provides an indication of operating lifespan of said plurality of distributed devices. Ballard does teach wherein said failure information provides an indication of operating lifespan of said plurality of distributed devices (paragraph 0013). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the

failure information process of Ballard in the failure information process of Nolet. One of ordinary skill in the art would have been motivated to use the failure information process of Ballard in the failure information process of Nolet because Ballrd teaches the transmission of remote device diagnostic information to a central location to assist the consumer (paragraphs 0010, 0013); and explicit desire of Nolet (column 5, lines 7-11).

As per claim 13, Nolet teaches the device of claim 9. Nolet does not explicitly teach wherein said failure information provides an indication of operating lifespan of said device. Ballard does teach wherein said failure information provides an indication of operating lifespan of said plurality of distributed devices (paragraph 0013). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the failure information process of Ballard in the failure information process of Nolet. One of ordinary skill in the art would have been motivated to use the failure information process of Ballard in the failure information process of Nolet because Ballard teaches the transmission of remote device diagnostic information to a central location to assist the consumer (paragraphs 0010, 0013); an explicit desire of Nolet (column 5, lines 7-11).

As per claim 16, Nolet teaches the device of claim 15 wherein said local server includes a database arranged for storing said failure analysis data from said device, said local server being arranged for periodically uploading said failure analysis data to a server (column 8, lines 5-9). Nolet does not explicitly teach wherein the server is a manufacturer's server. Ballard does teach wherein the server is a manufacturer's server (paragraph 0011). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the failure information process of Ballard in the failure information process of Nolet. One of ordinary skill in the art

would have been motivated to use the failure information process of Ballard in the failure information process of Nolet because Ballard teaches the transmission of remote device diagnostic information to a central location to assist the consumer (paragraphs 0010, 0013); an explicit desire of Nolet (column 5, lines 7-11).

As per claim 21, Nolet teaches the method of claim 17. Nolet does not explicitly teach wherein said failure information provides an indication of operating lifespan of said device. Ballard does teach wherein said failure information provides an indication of operating lifespan of said plurality of distributed devices (paragraph 0013). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the failure information process of Ballard in the failure information process of Nolet. One of ordinary skill in the art would have been motivated to use the failure information process of Ballard in the failure information process of Nolet because Ballard teaches the transmission of remote device diagnostic information to a central location to assist the consumer (paragraphs 0010, 0013); an explicit desire of Nolet (column 5, lines 7-11).

As per claim 24, Nolet teaches he method of claim 23 wherein said local server includes a database arranged for storing said failure analysis data, said local server being arranged for periodically uploading said failure analysis data to a server (column 8, lines 5-9). Nolet does not explicitly teach wherein the server is a manufacturer's server. Ballard does teach wherein the server is a manufacturer's server (paragraph 0011). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the failure information process of Ballard in the failure information process of Nolet. One of ordinary skill in the art would have been motivated to use the failure information process of Ballard in the failure information

process of Nolet because Ballard teaches the transmission of remote device diagnostic information to a central location to assist the consumer (paragraphs 0010, 0013); an explicit desire of Nolet (column 5, lines 7-11).

As per claim 26, Nolet teaches a server as in claim 1. Nolet does not teach wherein said network comprises a firewall, and where said failure analysis data is transmitted using a transmission protocol selected for being able to pass through said firewall. Ballard does teach wherein said network comprises a firewall, and where said failure analysis data is transmitted using a transmission protocol selected for being able to pass through said firewall.(paragraph 0011). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the failure information process of Ballard in the failure information process of Nolet. One of ordinary skill in the art would have been motivated to use the failure information process of Ballard in the failure information process of Nolet because Ballard teaches the transmission of remote device diagnostic information to a central location to assist the consumer (paragraphs 0010, 0013); an explicit desire of Nolet (column 5, lines 7-11).

As per claim 44, Nolet teaches a system as claim in claim 41. Nolet does not teach wherein the central server provides population statistics for distributed device ageing trends to a distributed device manufacturer for planning and budgeting considerations. Ballard does teach wherein the central server provides population statistics for distributed device ageing trends to a distributed device manufacturer for planning and budgeting considerations (paragraph 0013). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the failure information process of Ballard in the failure information process of Nolet. One of ordinary skill in the art would have been motivated to use the failure information process of

Ballard in the failure information process of Nolet because Ballard teaches the transmission of remote device diagnostic information to a central location to assist the consumer (paragraphs 0010, 0013); an explicit desire of Nolet (column 5, lines 7-11).

Response to Arguments

3. Applicant's arguments filed 1/26/07 have been fully considered but they are not fully persuasive.

With respect to the arguments and amendment respective to the prior USC 112 rejection, the examiner has lifted the rejection.

With respect to independent claims, the applicant has amended and argued that Nolet does not teach failure analysis data from a distributed device nor an updated predictive failure analysis algorithm from a central server to a plurality of distributed devices. The examiner respectfully disagrees. As discussed in prior actions and interviews, the examiner is using the broadest interpretation possible when rejecting the claim language. For instance, the applicant remarks the inner workings of the predictive failure analysis algorithm in his remarks and in the past interviews, but the examiner cites the definition of functionality of this component as lifted from claim 1 language, where it reads "a predictive failure analysis algorithm arranged for collecting failure analysis data of said distributed device". From this limitation, the examiner reads the claim language definition of the predictive failure analysis algorithm to merely be a module arranged to collect failure analysis data of the device. In the remarks, dated 1/26/07, on page 17, the applicant admits "In Nolet (col. 6, lines 48-67), a failing data processing system

may identify a nature of the failure and broadcast a service request from the failing data processing system to the monitoring system"; that is, the device collects failure data and that data is sent to a system to be analyzed. This clearly teaches the functionality of the predictive failure analysis algorithm, as claimed.

As for the updated algorithm, this argument along with the newly added language of wherein the updated predictive failure analysis algorithm is provided to the plurality of distributed devices in the form of a first microcode that is provided from the server to be used instead of a second microcode previously used by the plurality of distributed devices, wherein the first microcode and the second microcode have different tolerances of certain error events, the examiner respectfully disagrees that this is also not taught in Nolet. As aforementioned in prior rejections, Nolet teaches in column 12, lines 9-16, that an initial list of testing parameters is used in the monitored device, but this list can be altered by a second list that expands the list or changes it to include different testing parameters. The examiner interprets this teaching as fulfilling the limitation of a first microcode being used over a second microcode in the monitored device, as supplied from the central system. Nolet further teaches wherein this update occurs based upon information returned by the server that responded to the broadcast request (column 12, lines 58-60(, that is, the updated microcode is based upon the request sent from the device, and this request was originally sent from the device based upon a failure in the device (column 6, lines 57-64). Therefore, putting all this together, the central system sends an updated list of testing parameters, to be used instead of the old list, when a request is sent from the device when a failure on the device has occurred. As for the limitation of the micro-codes having different tolerances of error events, since the update is produced upon the determination of a failure, it is

implicit that the new microcode be different than the initial, which would further imply different testing parameters, and, therefore, detective of different error events.

Lastly, the applicant has argued that Nolet does not teach wherein the agent is installed on a local server, as claimed in claim 23. The examiner respectfully disagrees. As a possible embodiment, Nolet teaches wherein the monitored device can a server (column 19, lines 26-29, so the monitoring agent of the monitored device is on a server device.

In light of the above arguments, all applicable rejected claims stand.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher S. McCarthy
Examiner
Art Unit 2113